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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,866	08/09/2006	Toshiyuki Ogata	SHIGA7,053APC	4094
20995 7590 11/30/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
WALKE, AMANDA C				
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
11/30/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/588,866

Applicant(s)

OGATA ET AL.

Examiner

Amanda C. Walke

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Claim Rejections - 35 USC § 103

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Sasaki et al disclose a resist composition comprising a compound having the following structure:



Wherein X (or later X1 or X2) may be a -C(R_x)(R_y)(OR_z) group, and the groups may have substituents.

The group decomposable by the action of an acid (acid decomposable group) as X includes any group decomposable by the action of an acid and preferable examples thereof includes a group represented as —C(R_{1,4a})(R_{1,5a})(OR_{1,6a}), —C(R_{11a})(R_{12a})(R_{13a}) and —CO—OC(R_{11a})(R_{12a})(R_{13a}).

The group decomposable by the action of an acid (acid decomposable group) as R_{3a} and R_{3b} includes any group decomposable by the action of an acid and preferably includes for example groups represented as —C(R_{1,4a})(R_{1,5a})(OR_{1,6a}) and —C(R_{11a})(R_{12a})(R_{13a}).

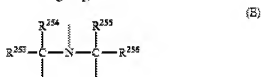
(R_{11a} to R_{13a} each independently represents an alkyl group which may optionally have a substituent, an alkenyl group which may optionally have a substituent, an aralkyl group which may optionally have a substituent, or an aryl group which may optionally have a substituent.

The examples of a substituent, which the alkenyl group may optionally have, include a halogen atom, a hydroxyl group, an alkoxy group and a cyano group. The halogen atom includes for example a fluorine atom, a chlorine atom, and a bromine atom. The alkoxy group includes a linear, branched or cyclic alkoxy group having generally one to 10 carbon atoms, preferably one to 6 carbon atoms. Specifically, the alkoxy group includes for example a methoxy group, an ethoxy group, a propoxy group, a *o*-propoxy group, a butoxy group, an *i*-butoxy group and a *t*-butoxy group.

Examples of such groups include —CH₂OC₂H₅ and —CH₂OC₂H₄OCH₃ groups, and others have -OH groups. Substituents for the alkyls include halogens (F atoms as seen in examples) and -OH groups, therefore it would have been obvious to one of ordinary skill in the art to prepare the material of Sasaki et al choosing to have -OH groups on the —OCH₂ groups in place of —OR and/or also to substitute the H atoms with F atoms given the teachings of the reference. The reference further teaches a nitrogen -containing compound which may have a

tertiary structure, wherein the compound may have between 3 and 18 carbon atoms total (1-6 per each of the three substituents), and may be hydroxyalkyl groups. Hydroxyalkyl groups in each position, which are clearly contemplated by the reference, result in tertiary alkanolamine compound as instantly claimed.

Specifically, the structures of the formulas (A) to (E) are listed.



Herein, R^{250} , R^{251} and R^{252} may be the same or different and represent a hydrogen atom, an alkyl group having one to 6 carbon atoms, an aminocalkyl group having one to 6 carbon atoms, a hydroxyalkyl group having one to 6 carbon atoms or an aryl group having 6 to 20 carbon atoms, which may be substituted. Herein, R^{251} and R^{252} may be bonded to each other to form a ring.

It would have been obvious to one of ordinary skill in the art to prepare the material having a structure A wherein each substituent was a hydroxyalkyl group.

Response to Arguments

3. Applicant's arguments filed 7/16/09 have been fully considered but they are not persuasive. Applicant has argued that the Sasaki et al reference fails to teach or suggest the use

of a nitrogen-containing compound as now claimed, however, as disclosed above, the reference does teach such a compound. Additional references which teach the inclusion of similar compounds are now cited on the attaché PTO-892. With respect to the argument that the examples of the reference demonstrate that unexpected results are obtained, the samples all use a preferred compound, triisopropanolamine, therefore the results are not commensurate in scope with the instant claims, and are thus, not persuasive.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amanda C Walke
Primary Examiner
Art Unit 1795

/Amanda C Walke/
Primary Examiner, Art Unit 1795